

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

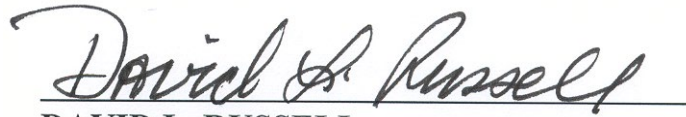
MALIC SIMPSON,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-24-512-R
)	
AMERICAN FIDELITY ASSURANCE,)	
CO.,)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiff’s Motion to Strike Affirmative Defenses [Doc. No. 14]. During the pendency of the motion, Defendant filed an Amended Answer which “supersedes the original and renders it of no legal effect.” *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (internal quotation omitted); *see also Menapace v. Alaska Nat’l Ins. Co.*, No. 20-CV-00053-REB-STV, 2021 WL 2012324, at *5 (D. Colo. May 20, 2021) (“In light of the filing of the Amended Answer, the Court denied Plaintiff’s First Motion to Strike as moot.”); *Quality Time, Inc. v. W. Bend Mut. Ins. Co.*, No. 12-1008-JTM, 2013 WL 257074, at *2 n.13 (D. Kan. Jan. 23, 2013) (“Notably, the answer to the amended complaint also superseded the original answer, which Plaintiffs were purportedly challenging.”).

Accordingly, Plaintiff’s Motion to Strike is DENIED without prejudice to resubmission, if appropriate.

IT IS ORDERED this 3rd day of October, 2024.

A handwritten signature in black ink, reading "David L. Russell", written over a horizontal line.

DAVID L. RUSSELL

UNITED STATES DISTRICT JUDGE